

## Good O' Boy Roundup Report Executive Summary March, 1996

### I. Introduction

In July 1995, national attention focused suddenly on an annual private gathering in southeastern Tennessee known as the "Good O' Boy Roundup" (Roundup). News stories reported that the Roundup was a "whites-only" gathering of Bureau of Alcohol, Tobacco and Firearms (ATF) and other federal law enforcement officers that resembled a "Klan rally" and at which these agents discriminated against blacks by posting racist signs, wearing racist T-shirts, performing racist skits, and playing racist music. A widely-publicized excerpt from a home video allegedly filmed at a Roundup showed a sign that read, "Nigger check point." In addition, allegations of criminal conduct, including narcotics distribution and rape, were raised at a Senate Judiciary Committee hearing held within ten days of the original news stories.

The initial allegations of racist conduct were made in an article in the Washington Times on July 11. The two primary accusers were Jeffrey Randall and a person identified only as a "former Alabama police official," whom we later determined to be Richard Hayward. Although not identified as such, Randall and Hayward proved to be members of a militia group based in Alabama that sought to discredit the ATF. In media interviews, Randall and Hayward stated that they went to the site of the 1995 Roundup with the intention of finding racist conduct to report. Hayward had previously attended several Roundups as a registered attendee, until he was banned for his own racially offensive conduct.

Once Hayward and Randall's allegations were made public, one former and several current black ATF agents made allegations that the Roundup was a "whites-only" event and that no black agents had ever been invited to attend. In addition, two local women provided affidavits to the Senate Judiciary Committee alleging, among other things, that a woman had been gang-raped at a Roundup, a "drug enforcement officer" had offered one of them drugs during a Roundup, and a goat had been purchased for bestiality purposes.

Regardless of their source, if true, these allegations threatened to seriously undermine the ability of these agents to perform their critical missions, particularly enforcing federal criminal law, upholding civil rights laws, and providing equal protection under the law. These allegations also threatened to taint the public reputation of the agencies that employed these agents.

### II. The OIG Investigation

In response to a request of the Deputy Attorney General, the Department of Justice Office of the Inspector General (OIG) conducted a wide-ranging investigation to determine whether any Department of Justice (DOJ) employees had attended the Roundup and, if so, whether they engaged in or approved of racial, criminal, or other kinds of misconduct at any of the sixteen Roundups from 1980 through 1995. Furthermore, members of the Senate Judiciary Committee in public hearings emphasized the need for a comprehensive investigation because the allegations implicated numerous law enforcement agencies in the criminal justice system.

In conducting this investigation, the OIG's principal purposes were (1) to determine whether DOJ employees had committed acts that might warrant sanction by their components and (2) to determine whether existing standards of conduct provide adequate guidance as they relate to off-duty conduct or whether any

changes in administrative policy or practice should be made. Office of Personnel Management (OPM) regulations prohibit federal employees from engaging in "criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct prejudicial to the government." When the investigation began, concern was raised that federal employees might have used government time and resources to promote racist activities, in violation of Office of Government Ethics standards. DOJ regulations also prohibit employees from engaging in "disrespectful conduct." Furthermore, because of their duty to fairly investigate and prosecute violations of the law, DOJ law enforcement officers are held to even stricter application of these standards of conduct. These standards apply to employees' off-duty conduct in addition to their conduct on the job.

Under applicable precedents, DOJ employees could be punished if they were found to have directly engaged in racist acts even while off duty. OIG believes further that employees bring disrepute to the Department and adversely affect their ability to perform their law enforcement mission if they knowingly attend an event whose purpose is to encourage or promote racist activity. On the other hand, simply attending a private, unofficial event at which a few participants engage in racist conduct and at which such behavior is not the purpose of the event should not, in most circumstances, merit punishment for the employee who attends. But the inquiry is, by necessity, highly fact-specific. It must take into account the known facts of the egregious behavior, what the employee saw and did, and how the misconduct was handled by the event's organizers. Only through a full understanding of the context of the event and the employee's participation in it can a fair assessment be made of whether punishment is appropriate.

Our initial task was to identify DOJ employees who attended any of the Roundups. At our direction, DOJ components canvassed their employees to determine whether any had either attended or been invited to a Roundup or knew anyone who had. In addition, because our evaluation of DOJ employee conduct required the fullest and most accurate reconstruction possible of what had actually occurred at the Roundup, we sought to identify as many attendees of the various Roundups as we could.

OIG subpoenaed computer and bank records relating to the Roundup from Gene Rightmyer, the former ATF agent who had organized and led the Roundup from 1980 through 1995. We also coordinated with a number of other law enforcement agencies that were conducting investigations into participation by their own personnel in the Roundup, most notably the Department of Treasury Office of the Inspector General (Treasury OIG). Through these efforts, OIG identified nearly 1400 persons who attended the Roundup between 1980 and 1995. During the course of this investigation OIG interviewed over 500 witnesses, including participants in the Roundup, people who were invited but did not attend, vendors to the Roundup, DOJ employees based in Southeastern offices, river raft guides, local Tennessee residents, and others. OIG also reviewed the testimony of hundreds of witnesses provided during interviews conducted by other agencies. All told, our investigation took into account the statements of nearly 900 witnesses, including 560 who attended a Roundup.

OIG interviewed every DOJ employee, current and past, who attended at least one Roundup, and many of their colleagues and supervisors, with a particular emphasis on minority employees, to determine what they knew about the Roundup. Many of the central figures involved in staging the Roundup over the years were also interviewed. Rightmyer was interviewed by OIG twice, including an all day on-the-record interview in the latter stages of the investigation. OIG made special efforts to interview persons from many federal, state, and local law enforcement agencies, and to interview a large number of participants who had no law enforcement affiliation. This interviewing strategy was designed to ferret out as much information from as many different sources as possible to minimize the chances that racial or other kinds of misconduct might be concealed from us.

Moreover, OIG interviewed residents in the area near where the Roundup was held to learn what relevant evidence they might possess.

In addition to Roundup participants, OIG made significant efforts to interview the persons who alleged misconduct against the Roundup and its participants. Although OIG was able to interview the local residents and the current and former ATF agents who made allegations, the militia members did not cooperate. Hayward, who made the videotape with the "checkpoint" sign and who in an affidavit submitted to the Senate Judiciary Committee claimed to have witnessed a broad array of racist acts at a number of the Roundups, refused for several months to cooperate with the OIG investigation, submit to an interview, or surrender the original videotape. Finally in October he relinquished the videotape for analysis by the Federal Bureau of Investigation (FBI) and agreed to an on-the-record interview. Hayward and his attorney terminated the interview shortly after the questioning turned to Hayward's own white supremacist views and activities. (Subsequently, the FBI concluded that Hayward's video taken at the 1990 Roundup was authentic and had not been altered.)

Randall was even less cooperative, refusing to answer more than a few basic questions in the presence of other militia members in late July and refusing our requests for a subsequent interview. Randall was served with an OIG administrative subpoena for photographs of the Roundup and the original videotape, which Hayward had turned over to him. He refused to comply with any aspect of this subpoena. When he believed that OIG intended to seek court enforcement of the subpoena he publicly threatened bloodshed. When several months later OIG requested that he submit to an interview on a range of topics including his supposed discovery of a "nigger hunting license" at the 1995 Roundup or the militia plan "Operation Achilles Heel," whose stated goal was to discredit ATF, Randall refused and renewed these threats in more graphic terms.

In addition to the persons who brought allegations of racism to light, OIG sought to interview persons who were identified as having committed racially offensive acts. In some instances these persons cooperated; in others they refused to answer any questions.

Overall, OIG interviewed large numbers of people who attended the Roundup, particularly in those years for which there were extremely serious allegations of racist and other misconduct. However, in an investigation that examined events occurring over a sixteen-year period and involving well in excess of 1,000 participants, we cannot be sure that we have uncovered every objectionable incident. Indeed, we recognized that the persons who attended the Roundup may have had a motive to conceal or minimize the instances of racial or other kinds of misconduct in order to make their attendance at a Roundup appear more benign than it might have been. Our investigative and interviewing strategy was designed to get beyond potentially self-serving accounts.

We encountered numerous witnesses who were unable to supply very much information, particularly those who attended a Roundup in its earliest years. We not only had to deal with weak recollections due to the passage of time but also faulty or incomplete memories because so many participants had consumed so much alcohol during the Roundup. Even where we developed substantial evidence that acts of misconduct took place, we have not in every case been able to identify who was responsible, despite determined efforts to do so. Nonetheless, OIG expended considerable time, energy, and resources to determine as best we could what happened at the Roundup. We believe we have developed a fair and accurate picture of what occurred.

### III. Principal OIG Findings

After conducting a comprehensive investigation of the Roundup from 1980-95, we conclude that the Roundup was not, as it was portrayed in the media stories, a "Klan rally," an intentionally "whites-only" racist gathering, or a haven for criminal conduct. Nor, as the initial news accounts suggested, was the Roundup dominated by federal law enforcement personnel. We determined that what began in 1980 as an unofficial gathering of 58 law enforcement officers and their friends evolved over the years into an event that by the early 1990s attracted close to 500 people, only ten percent of whom had any federal law enforcement affiliation. Over the sixteen years of the Roundup, only three percent of the total estimated number of attendees were DOJ employees. Indeed, by 1990, law enforcement officers -- federal, state, and local -- were outnumbered by participants who had no such affiliation.

Although we conclude that much of the early Roundup news coverage was overblown and distorted, our investigation revealed ample evidence of shocking racist, licentious, and puerile behavior by attendees occurring in various years. We also found that an atmosphere hostile to minorities -- and to women -- developed over time because inadequate action was taken by the Roundup's organizers to appropriately deal with instances of racial or other kinds of misconduct. In addition, we found that because the central activity during most Roundups was the consumption of large quantities of Roundup-supplied alcohol, the organizers knowingly sacrificed the ability to control the conduct of participants.

We found no evidence, and indeed received no allegations, that any current or former DOJ employee directly engaged in racist or other misconduct -- other than one inappropriate comment by an FBI agent. We have referred to the Director of the FBI a report with respect to this one current FBI employee for whom we recommend that punishment be considered for his behavior at the Roundup. In our view, this employee demonstrated poor judgment that falls below applicable standards because he attended the Roundup after knowing of racist incidents at the event and his other actions evinced a toleration for, and encouragement of, such racist behavior. Solely on our findings, an appropriate sanction would be a reprimand, either written or oral. His component, however, must assess this conduct in light of the employee's history. Greater punishment could be warranted, therefore, if the behavior evidenced in this investigation is part of a pattern of documented racial insensitivity. To assist the Director of the FBI in his determination of punishment in this case, we are also forwarding additional information from our investigative files and will provide further information as requested. With respect to a second individual, formerly employed by INS but now an employee of Treasury, we are transmitting information to the applicable Department of Treasury component by which he is now employed for consideration of possible discipline. The OIG report contains a summary of our findings with respect to these and all other DOJ employees who attended.

Even though our assessment is that an inadequate evidentiary basis exists to recommend discipline for any of the other DOJ employees whose conduct we considered, we are extremely troubled by many of the excesses committed by non-DOJ attendees at the Roundup that developed during the mid-1980s and grew far worse during the years 1990-95. We are disturbed that an event characterized by rampant public drunkenness, widespread public lewdness, and in later years episodes of racist conduct drew participants from DOJ and other law enforcement organizations.

#### A. DOJ Participation

OIG identified forty-four past or present DOJ employees who attended at least one Roundup. Thirty-six were DOJ employees when they attended; eight went prior to becoming DOJ employees. This group of participants affiliated with DOJ constitutes approximately three percent of the estimated total number of attendees at the sixteen Roundups. The largest number of DOJ employees in attendance in any given year was eleven, a level reached twice, once out of approximately 400 attendees in

1986 and then again out of 520 attendees in 1994. Twenty-three of the forty-four DOJ employees attended only one Roundup; eight more went only twice. Half of the DOJ participants did not go to any Roundups after 1988 -- a significant fact because no egregious racist misconduct was alleged to have occurred prior to 1989. The public drunkenness began far earlier and was a reason cited by many DOJ employees and others for not returning to the Roundup.

Our investigation found that DOJ employees played a minor role in the official activities and organization of the Roundup. Only one DOJ employee, now retired, served in an official organizational capacity as an "MOB," which stood for the "members of the board" or "mean old bastards," the group with responsibility for cooking, registration, and official recreational activities. No DOJ employee ever served on the "REX" (Roundup Executive Committee), the group responsible for setting Roundup policies. No DOJ employee ever won Redneck of the Year, Ugliest Good O' Boy, Liar's Contest, or Beer Enduro competitions. And no DOJ employee was ever elected to be president or vice-president of the Roundup.

Thus, DOJ participation in the Roundup was relatively insignificant both numerically and organizationally. Nevertheless, because the investigation established some episodes of egregious racist conduct in certain years, we tried to determine which DOJ employees attended the Roundup in those years, and whether they participated in or encouraged such conduct.

#### B. Findings Regarding Specific Racist Misconduct

OIG investigated every allegation of specific racist misconduct made by Hayward, Randall, several current and former black ATF agents, and witnesses who were interviewed during the course of this investigation. For most of the allegations, no physical or documentary evidence was available. Verifying the allegations, therefore, required assessing the accuracy and reliability of testimony given by witnesses. We could not escape making judgments concerning their credibility. Some witnesses we found to be extremely credible; others to be wholly incredible. Many fell somewhere in between. In Hayward's case, for example, the important kernels of truth contained in his 1990 videotape and in his allegation regarding a particularly egregious racist skit in 1990 were combined with other allegations that were embellishments of actual events and in many cases distortions and outright fabrications.

From our careful review of the evidence as to the specific allegations of racist misconduct, we found substantial credible evidence of blatantly racist signs, skits, and actions in 1990, 1992, and 1995. We also found substantial credible evidence of racially insensitive conduct in 1985, 1987, 1989, and 1993.

OIG found no evidence that any DOJ employee -- or federal employees from other agencies -- participated in such conduct. When the conduct was brought to the attention of Roundup organizers it was criticized and terminated. But by failing to eject or punish any of the people known to have engaged in the misconduct, the Roundup organizers failed to deliver a strong, unequivocal message that racist conduct would not be tolerated. This failure, together with the availability of massive amounts of alcohol, no doubt contributed to the recurrence of such incidents.

Furthermore, the failure of the Roundup organizers to take any action regarding conduct that was less blatant, but still offensive to many, created a racially hostile environment such that blacks who attended would not have felt welcome. Such conduct included playing music with racist lyrics at campsites; wearing, trading, and selling T-shirts with racially insensitive messages; telling racially offensive jokes during official competitions; and, in the context of particular facts found, displaying Confederate flags.

## 1. Substantiated Allegations

### a) Racist signs

Racist signs were posted in at least two years: 1990 and 1992. In 1990, the investigation determined that racist signs, including the sign shown in the Hayward video, were posted on a tree in the campground for parts of one day. These signs read, "Nigger check point," "Any niggers in that car?," and "17¢ lb." Near these signs, and also visible in the video, was a drawing of a likeness of an African American with a circle around it and a red slash across the circle. The preponderance of the evidence suggested that local police officers from Florence and Boone County, Kentucky, were responsible for posting these signs. When the organizers of the Roundup learned about the signs, they ordered the signs taken down. The signs were removed and destroyed. We are not aware of any effort that was made to establish who posted the signs. In any event, no one was punished for posting them.

In 1992, two different signs were displayed at the campground. The day before the Roundup opened a small sign that read, "no niggers," was observed posted on a stake alongside the road into the campground. The person who observed the sign reported that it was gone within half an hour. We found no information as to who was responsible for this sign. A second sign, this one reading, "nigger checkpoint," was reported to have been posted across from the registration area early on the morning the Roundup began. When the persons in the registration area observed the sign, it was removed. We found no information to identify who was responsible for this sign.

### b) Checking Cars

In 1990 and 1992, the same years as these signs appeared, and near where they were posted, persons whom we could not identify were checking to determine if any blacks were in any of the cars driving through the campground. The phrase used by the persons engaged in the activity was "checking cars for niggers." We were unable to establish how long this conduct lasted or how many people may have been involved in it. For the 1990 incidents we found no evidence that any Roundup leaders were notified or were aware of such conduct or that any action was taken to stop these persons. In 1992 the same persons who ordered the sign taken down pulled the responsible person away from the car and told him to stop what he was doing.

### c) Racist Skits

Racist skits were performed in 1990 and 1992. In 1990 officers from Florence and Boone County, Kentucky, and a civilian from Ohio performed a skit as part of the Redneck of the Year contest in which a dog was traded for a man in blackface who then pretended to perform oral sex on a person in mock Ku Klux Klan garments. Immediately after the skit, Rightmyer publicly criticized its participants but took no other action, such as ejecting them from the Roundup.

In 1992, a Fort Lauderdale, Florida, police officer competing in the Redneck of the Year contest performed a skit where he claimed to have found a watermelon which had fallen off the back of a passing truck, struck it until it broke open, and then pulled out a doll he had painted black. He described the doll as a seed and told the audience that one must "kill the seed when it is young," and proceeded to beat the doll. Although Rightmyer again criticized the officer who performed this skit, he took no other action.

### d) Racist Confrontation

In 1995, one current and three retired Fort Lauderdale police officers confronted a white ATF agent who had come to the Roundup with two black law enforcement officers. Taunting the ATF agent about the presence of the two blacks, one of the Fort Lauderdale officers stated, "ATF fucks up everything they touch. . . . Now you are bringing niggers to the Roundup." Other attendees intervened and broke up the confrontation. Contrary to the media accounts of this incident, the black agents were not turned away from the Roundup. The next day Rightmyer told the offenders that blacks were welcome at the Roundup and if they did not like it, they should leave. That same day several of the Fort Lauderdale officers left the Roundup. Rightmyer also announced generally that everyone in law enforcement was welcome at the Roundup, and those who disagreed should leave. Sometime after the confrontation some unidentified persons painted the words "niggers go home" and "whites only" on toilets in the campground. When the organizers learned about it, they covered over the graffiti.

#### e) Hayward's White Supremacist Literature

In 1992 and 1993, Richard Hayward brought to the Roundup David Duke for President campaign literature and souvenirs, and materials publicizing the National Association for the Advancement of White People (NAAWP), a pro-Duke organization whose Michigan chapter Hayward had founded. In 1992, he left a pile of these materials at the registration desk, which the people at the desk promptly discarded. Hayward also brought a large David Duke for President banner to hang in the campground, but it was up only briefly before Roundup organizers ordered that it be taken down. The banner was thrown in the trash. Hayward also brought some bumper stickers and hats to sell, without much success.

In response to this activity and an article Hayward published about the Roundup the following month in the NAAWP Newsletter, in which he claimed that numerous David Duke supporters attended the Roundup, the event's organizers instituted new policies for 1993 prohibiting political and racist activity. In 1993, Hayward arrived at the campground with his car plastered with racially offensive and political materials. One witness also recalled that Hayward was wearing a Dr. Martin Luther King, Jr. mask with a bullet hole in the forehead. Hayward was told he could not enter the campground unless all of these materials were removed. He eventually parked his car off to the side, removed the offensive clothing, and was permitted to enter. He left the Roundup a few hours later.

#### f) T-shirts

We found evidence of the unofficial sale of T-shirts during several Roundups that some persons found to be racially insensitive. In 1991, officers from the Metropolitan Police Department in Washington, D.C. brought to the Roundup shirts that depicted three police officers around a police car and two persons being held face down on the hood of the car. The caption read, "Boyz on the Hood." Officers from Cobb County, Georgia, brought a similar shirt. In 1992, T-shirts with a pocket drawn on the upper left of the shirt, a drawing of the head of the character Buckwheat from the old television show "Little Rascals," and the words "Good Ole Boys '92" written on the pocket were offered for sale by some unidentified person or persons. In 1995, T-shirts with a crude drawing of the figure used in the children's game, "Hangman," and the initials "O" and "J" beneath the figure were sold by two officers from Fort Lauderdale.

#### g) Display of Confederate Flag

In a number of years, but certainly in 1990 and 1992, Confederate flags were displayed at various locations in and around the Roundup campground. The display of the Confederate flag is a controversial matter. Although we heard conflicting views as to whether this conduct was intended to send a benign message of

"Southern heritage" or a message of racism and intolerance, especially towards African Americans, we conclude that such displays had the effect, whether intended or not, of adding to a racially charged and hostile environment. One particular display in 1992, captured in a photograph we obtained during the investigation, included a group surrounding the flag whose members are shown making obscene gestures and raising their fists. A future Roundup president and Hayward can be readily identified. We found no evidence that any federal law enforcement personnel appears in the photograph. We found no evidence that anyone complained about such displays or that any action was taken to remove them.

#### h) Other Incidents

Other isolated but nevertheless significant evidence of racially offensive or insensitive conduct occurred in a number of years. In 1985, an unidentified local deputy sheriff pulled a statue of a black figure, referred to as a "lawn jockey," out of his camper and tied his dog to it before being told to put it back in his camper.

In 1989 and other unspecified years we found evidence that cassette tapes of music by a performer named David Allen Coe were played at various campsites, including a song named "My Wife Ran Off With a Nigger." The only identifying information we received was that an unspecified person from Ohio and another from Mississippi possessed one of these tapes. Although Hayward alleged that the tape also contained a racist "comedy" routine and was for sale at the campground, we found no corroboration for these additional claims.

### 2. Unsubstantiated Allegations

#### a) 1989 Allegations

For 1989, we received numerous allegations of racist conduct, most of which were made by Richard Hayward. He contended that racist signs and an effigy of a black person were displayed at the registration desk for the entire Roundup. He also alleged that ATF agents surrounded cars entering the campground and shouted, "Got any niggers in that car?" In addition to Hayward, two other witnesses had vague and indeterminate recollections of some type of racist sign being posted in the campground for a short time in 1989. Based on our review of the statements of over 150 attendees at the 1989 Roundup and our credibility determinations regarding the various witnesses, we concluded that no racist sign or effigy was displayed at the registration desk for any portion of the 1989 Roundup and that the claim that ATF agents were "checking cars for niggers," although similar to conduct reported in other years, is unsubstantiated. OIG also found insufficient evidence to conclude that a racist sign was displayed in any part of the campground during the 1989 Roundup.

#### b) Randall's 1995 Allegations

For 1995, Randall contended that "nigger hunting licenses" were openly available on the Roundup campground. We found no evidence that such "licenses" were widely available at the Roundup; indeed, we found no one other than Randall who claimed to have seen one in the campground. Moreover, we found Randall's claim to have found the "license" in a Roundup bathroom not to be credible.

Randall also alleged that a T-shirt with a picture of Dr. Martin Luther King, Jr., with a target superimposed over his face, was offered for sale. Although one other witness believed he saw a T-shirt similar to the one described by Randall worn by one person at the 1995 Roundup, OIG found insufficient credible evidence that such shirts were for sale at the Roundup.



### C. Findings Regarding General Allegations of Racist Intent and a "Whites-only" Policy

Although our investigation established that the Roundup was nothing like a "Klan rally," the fact that specific acts of racist misconduct occurred in three different years made more difficult our assessment of the general charge that the Roundup had a "whites-only" attendance policy. Our review of Roundup policies and practices established by Rightmyer and the Roundup organizers revealed no evidence of an intent to create or maintain a "whites-only" event. We discovered, however, a huge gap between these policies, on the one hand, and actual attendance at and perceptions about the event, on the other.

We conclude that the name "Good O' Boy" was not selected or used with the intent to send a message that the event was racially exclusive. Nevertheless, we found that, regardless of intent, some minority agents perceived a message that they would not be welcome or considered a "good o' boy," and that indeed they might face racial intolerance and hostility if they attended. We also conclude that by the time racist conduct began to appear at the Roundup and persons began to attribute racist tendencies to it, the Roundup organizers should have been aware that the name itself may have sent a less-than-welcoming message to all potential attendees.

Some minority agents also expressed a reluctance to attend because the Roundup was held in the woods of an all-white county in Eastern Tennessee. Because of the historical connections between similar sites and racist activities, these agents attributed racist intentions to the Roundup due simply to its location. We determined, however, that because the Roundup campground was not isolated or well-secured, it was ill-suited for secretive racist gatherings. Importantly as well, there were not many options given the initial objective of finding a site for an overnight camping and whitewater rafting trip near Rightmyer's duty office in Knoxville. We thus concluded that in choosing the Roundup's location, its organizers did not have a racist intent, although the perceptions among minorities that they would not be welcome was an unintended consequence of the selected site.

We found no evidence that the invitations to the Roundup, either written or oral, made explicit references or even allusions to racial restrictions on attendance or that racist activities were available or welcome at the event. These invitations were distributed to law enforcement agencies in the Southeast, where they were posted on bulletin boards, announced generally, or handed out to those who were interested. We found no evidence that any racial restrictions, either explicit or implicit, were placed on the distribution of these invitations. Personal written invitations were sent only to those who had previously registered for a Roundup. Because of the lack of controls placed on the distribution of fliers once they reached particular offices, the extent to which they were brought to the attention of the agents in these offices varied.

The official activities of the Roundup were centered on athletic events, drinking, and what were intended to be humorous performances by participants vying for such titles as Redneck of the Year. On two occasions the Redneck of the Year contest contained blatantly racist material.

While we conclude that the organizers did not specifically intend for the Roundup to be a "whites-only" racist gathering, we were able to identify only twenty individual members of minority groups, including four blacks, who ever attended a Roundup. And although we were able to identify more who had been invited to attend, most chose not to -- some merely because the name and location suggested to them that they would not be welcome there. Thus, whether intended or not, the Roundup was in fact predominantly a gathering of whites.

#### D. Findings Regarding Other Misconduct

In addition to charges of racism, allegations of criminal or other misconduct were also raised. OIG investigated each of these claims as well, most of which were initially contained in affidavits of two women submitted to the Senate Judiciary Committee in July. None of the allegations of criminal conduct were substantiated, although activity inappropriate for a gathering with a substantial number of law enforcement officers took place.

##### 1. Substantiated Allegations

We found substantial evidence that the campground was a hostile environment for women especially in the later years of the Roundup. Even male attendees told us that would not have wanted any female family member or friend to attend the Roundup because of how women were treated. Apparently, the same concern and solicitude did not extend to the relatively few female law enforcement personnel who went to a Roundup. Extremely demeaning language and inappropriate sexual touching occurred. Several women in law enforcement who attended the Roundup reported feeling uncomfortable due to the vulgarity and demeanor of the male attendees. Although in earlier years we found efforts by Rightmyer to ensure that women were treated appropriately and these women reported no problems, we found little evidence of concern in the later years when the objectionable conduct became pervasive.

We found substantial evidence that strippers performed at the campground year after year beginning around 1988. Despite evidence that the Roundup organizers officially discouraged such performances, their efforts to exercise control were half-hearted at best.

Finally, public nudity was commonplace at various Roundups. The accounts of nudity reported to us included men on their way to and from the showers, women dancers, women baring their chests, a retired officer exposing himself with his badge displayed on his penis, people pulling trousers off other attendees, and other similar behavior. Remarkably, we found no one in attendance who appeared to be offended by such activity or who sought to curb it.

Although not raised initially as allegations, OIG found substantial credible evidence of rampant alcohol abuse and extreme cases of juvenile and shocking behavior. Unlimited access to beer twenty-four hours a day led to extreme drunkenness. In the early years a contest called the Beer Enduro took place, requiring participants to drink a specified quantity of beer at regular intervals. The last person to be able to consume the required amount without a break was the winner. Performances in the skit competitions included participants who bit off the head of a dead snake; ate a whole raw fish soaked in beer; defecated on stage; soiled their trousers on stage; and pulled chewing tobacco out of their trousers pretending it to be excrement and put it in their mouths. For a period of time substantial effort was made to see who could be the most vile and disgusting. Although we found credible evidence that Rightmyer gave speeches exhorting participants to stop such behavior, his efforts were sporadic at best and essentially went unheeded. Other substantiated allegations, such as the playing of games for monetary stakes and the consumption in isolated instances of moonshine, are addressed fully in the report.

##### 2. Unsubstantiated Allegations

One of the Senate affiants alleged that during the 1990 Roundup a "drug enforcement officer" offered her some unspecified drugs in Grumpy's, a bar adjacent to the campground that was frequented by many Roundup attendees. Another Ocoee area resident claimed he had requested and been handed some cocaine powder

while in the campground during a Roundup in the late 1980s. A third local resident made a vague and contradictory claim that marijuana was used in the campground during one unspecified Roundup. Based on our interviews of each of these witnesses, our conclusions regarding their credibility, and all the testimony of a number of credible witnesses, we concluded that none of these allegations were supported by substantial credible evidence.

In their affidavits to the Senate, the two Ocoee women claimed to have heard that a woman was gang-raped by a large number of Roundup participants. Another local resident professed to have actually seen the rape during the 1988 or 1989 Roundup. Each of these persons identified the same woman as the alleged rape victim. This woman denied that she was raped. Ultimately, the purported eyewitness recanted his claim. In addition, a former ATF agent in an interview subsequent to his Senate hearing testimony alleged for the first time that in 1987 he heard from another ATF agent that a woman had been raped by an ATF agent at the Roundup. OIG investigated these allegations and concluded that none of the claims that a woman was raped at a Roundup were supported by the evidence.

In addition OIG concluded that the claims of bestiality, sex on Grumpy's stage during the 1995 Roundup, and naked men jumping out of trees onto women passing below were all unsubstantiated. Despite reports that prostitutes were present during various Roundups, we found no evidence that anyone was solicited for prostitution or that sex was exchanged for money. Although numerous liaisons between Roundup participants and local women were reported, we found no evidence that these liaisons were anything but consensual and non-remunerative.

OIG received no allegations and found no evidence that any DOJ property was used to support the Roundup. We also found no evidence that any DOJ employees attended the Roundup without taking appropriate leave.

#### E. OIG Recommendations

We conclude that specific disciplinary action is not warranted for the vast majority of DOJ employees who attended the Roundup in one or more years. Although the Roundup was plainly not the type of event that brings credit to its participants, we developed no evidence that any significant role was played in the Roundup by any DOJ personnel past or present. And in many cases, DOJ employees acted as one would hope they would -- they saw an event marked by excessive alcohol consumption and puerile behavior and never returned. However, the respective components may wish to consider counseling for some of their employee participants based on our findings. As we have noted, we are forwarding information to the Director of the FBI for consideration of discipline against an FBI agent and to the applicable Department of Treasury component for one of its employees who used to be employed by DOJ.

This investigation involved a murky and difficult area -- the responsibilities of federal employees generally, and federal law enforcement personnel in particular, to conduct themselves in a manner consistent with their law enforcement responsibilities even when they are off duty. Many DOJ employees believe that what they do off duty is their business and not a proper concern of their employer. In our view, the existing standards of conduct are broad enough to regulate off-duty conduct when it could impair the effectiveness of DOJ employees or bring discredit on their employing agency. We further believe that such regulation is wholly appropriate. Being a federal law enforcement officer within the Department of Justice is a privilege not a right; it can appropriately be conditioned on maintaining a proper level of behavior at all times.

We believe that such off-duty responsibilities are not well-understood by many DOJ employees. In part this lack of understanding is the result of very general

provisions that govern off-duty conduct. Accordingly, we recommend that the Department of Justice do the following:

- 1) explicitly advise its employees that off-duty conduct is subject to regulation and review and that sanctions can be imposed for off-duty misconduct;
- 2) examine the existing standards of conduct that apply to the off-duty behavior of DOJ law enforcement components, and provide further guidance for what constitutes conduct that brings the Department or one of its agencies into disrepute;
- 3) educate and train its law enforcement officers concerning how participation in events that are characterized by racist misconduct in particular can interfere with their ability to effectively do their jobs, such as opening up lines of inquiry relating to racial prejudice when law enforcement officers serve as witnesses in criminal cases; and
- 4) provide further training on the role of federal law enforcement officers in our society and the reasons why it is critical for law enforcement personnel to be held to extremely exacting standards of conduct to earn and maintain the full confidence of all citizens.

#### F. Conclusion

Other than one inappropriate comment by one FBI agent, we found no evidence that any DOJ employee engaged in racist or other misconduct while at the Roundup. Although we found that in certain years egregious acts of racism occurred, in most cases we concluded that the DOJ employees in attendance those years were either unaware of such conduct or had learned that the organizers had taken action to terminate it.

An exhaustive investigation and a full report of the Good O' Boy Roundup was important for several reasons. First, the allegations of racist conduct contained in the initial media accounts and Congressional testimony were truly shocking. If true and if committed by DOJ law enforcement officers, we would be confronted with very serious questions about the officers' fitness to serve, their ability to discharge their law enforcement duties, and their right to wear a federal badge.

We had a responsibility to set the record straight as to what actually occurred at the Roundup during a sixteen-year period. The initial allegations brought in their wake a blanket condemnation of all federal law enforcement personnel who attended the event. When these allegations were first made public, the public criticism was broad and harsh. Our investigation established that DOJ employees had quite diverse experiences at the Roundup. Some spent little time at the campground where the misconduct took place; others hardly stayed at the Roundup for any period of time. Blaming these people for the sins of others would have been unfair. Others witnessed or heard enough that they showed poor judgment in not taking appropriate steps to satisfy themselves that the objectionable conduct would not recur. Thus, we had a responsibility to gather as much evidence as possible on the experiences of the DOJ personnel who attended the Roundup so we could absolve the innocent as well as blame the guilty.

Second, although our primary task was to assess the allegations of racism as they reflected on DOJ employees, we learned that the Roundup in fact had been marred by a number of serious and disturbing incidents of racial and other kinds of misconduct. Those incidents helped create and perpetuate a climate that was not welcoming towards African Americans, other minorities, or women.

An important part of the climate was established by the availability of unlimited amounts of alcohol. This fact contributed substantially to the degeneration of the Roundup over the years from an innocuous open-air camping and recreational gathering into a playground for large numbers of the drunk, tasteless, and immature. Our report describes many of the crude and disgusting incidents that were related to us during our interviews. We have reported these not for their shock value but instead to give an accurate picture of what the Roundup was like. Without these examples, the texture of the event could not be adequately communicated. However, we found no evidence linking DOJ employees to acts of public drunkenness, public lewdness, or any of the other sordid aspects of the Roundup in any specific or persistent way.

Finally, a full investigation of the Roundup was necessary because these allegations had a large potential impact on the administration of the federal criminal justice system and the character and reputation of federal law enforcement officers -- a particular responsibility of the Department of Justice. Extra effort was made to take the report beyond simply a conclusion that, "It wasn't one of ours." We hope that our effort to deal fully and carefully with disturbing allegations against officers responsible for enforcing our federal criminal laws will promote the fair administration of justice and the public's confidence in the ability of the Department of Justice to police itself.

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